

NEDRA WILSON,
Plaintiff(s),
vs.
GREATER LAS VEGAS ASSOCIATION
OF REALTORS, a Nevada non-profit
cooperative corporation,
Defendant(s).

)
)
)
)
)
)
)
)
)

Case No. 2:14-cv-00362-APG-NJK
ORDER
(Docket No. 43)

“A party is generally prohibited from raising new issues for the first time in its reply brief” as the opposing party is not afforded an opportunity to respond. *Queensridge Towers LLC v. Allianz Global Risk US Ins. Co.*, 2015 WL 1403479 at *3 (D. Nev. Mar. 26, 2015) (citing *Eberle v. City of Anahiem*, 901 F.2d 814, 818 (9th Cir. 1990)). Therefore, “[w]here the moving party presents new matters for the first time in a reply brief, the Court may either refuse to consider the new matters or allow the opposing party an opportunity to respond.” *Steven Cohen Prods. Ltd. v. Lucky Star, Inc.*, 2015 WL 3555384 at *3 (D. Nev. June 5, 2015) (citing *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007)). A court may grant a party leave to file a sur-reply in order to afford her that opportunity. *Id.* However, such a sur-

1 reply may “only address new matters raised in a reply to which a party would otherwise be unable to
2 respond.” *Steven Cohen Prods. Ltd.*, 2015 WL 3555384 at *3.

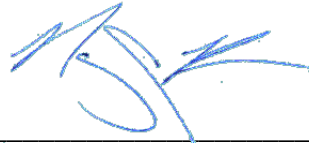
3 Here, Defendant presented new matters in its reply brief by offering its “revised proposed
4 counterclaim.” Docket No. 48 at 2. This deprived Plaintiff of the opportunity of addressing Defendant’s
5 revised counterclaims. Rather than refusing to consider these new revisions, the Court finds that Plaintiff
6 should be afforded a chance to respond to them, and therefore grants Plaintiff leave to file a sur-reply
7 to address only the novel matters raised in Defendant’s reply brief.

8 **IV. CONCLUSION**

9 For the reasons stated more fully above, the Court hereby **GRANTS** Plaintiff leave to file a sur-
10 reply to address only the new matters raised in Defendant’s reply, no later than September 4, 2015.

11 IT IS SO ORDERED.

12 DATED: August 28, 2015



14 NANCY J. KOPPE
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27
28